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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,034	01/15/2002	Hiroyuki Nishi	NISHI=1	7846

1444 7590 03/22/2005

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

EXAMINER

LY, ANH

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/045,034

Applicant(s)

NISHI, HIROYUKI

Examiner

Anh Ly

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 41-51 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/05 & 10/26/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is response to Applicant's Amendment filed on 12/15/2004.
2. Claims 1-40 are cancelled.
3. Claims 41-51 are added.
4. Claims 41-51 are pending in this application.

### ***Claim Objections***

5. Claim 51 is objected to because of the following informalities: The lines 8-11 of claim 1 are the same as the lines 12-15 of claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 41-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0129368 A1 of Schlack et al. (hereinafter Schlack) in view of Pub. No.: US 2002/0056094 A1 of Dureau.

With respect to claim 41, Schlack teaches (a) a receiving part that receives a personal information collection information setting range of personal information collection (the STB (set-top box) receiving the viewer profile including multitude of viewer interaction, demographic, psychographic: section 0063, fig. 11 and fig. 13; and the range of time such as minutes, which indicates the amount of the time that elapsed since the session begin: section 0211); and

(b) an information collecting part that collects the personal information at a terminal which is limited to the personal information specified by the user, based upon the personal information collection information received (collecting session data in order to generate a session profile, which is limited to a viewing session and which is collected over a relatively short period of time: sections 0213, 0231 and 0235).

Schlack teaches generating a view profile storing at the STB, as well as the demographic, psychographic of the view to be performed within the television-viewing environment. The profiling of viewers is based on their viewing preferences and other interactions. And the head end (item 210) delivers program content to the STB and may receive commands and viewer profiles from the STB. Schlack does not clearly teach © an information sending part that sends collected personal information to a central system.

However, Dureau teaches the set-top box (STB) includes a modem, which is return path by which view data can be transmitted to the broadcast station (section 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Schlack with the teachings of Dureau, wherein the program information to be transmitted to the STB in the system provided therein (Schlack's fig. 2A and section 0126, item 220), would incorporate the use of transmitting the information to the STB, in the same conventional manner as described by Dureau (section 0026). The motivation being to provide a means to collect the viewer's profile and to set the range for the viewer to watch a content of a program of a broadcast station or central system.

With respect to claim 42, Schlack teaches wherein the information sending part again sends the collected personal information when the information sending part has failed to send the collected personal information (sections 0161-168 and 0172-0175).

With respect to claim 43, Schlack teaches a personal information database storing the collected personal information collected, wherein when the volume of personal information is larger than the volume of the personal information database, information collecting part deletes information in the personal information database in a manner that information previously stored is discarded (section 0148, 0198, 0209 and 0233).

With respect to claim 44, Schlack teaches wherein when the collected personal information is sent, a sending time data is sent together with the personal information (sections 0129, 0145 and 0148).

With respect to claim 45, Schlack teaches wherein when the collected terminal device according personal information is sent, a content address data designating a location of content accessed by a user is sent together with the personal information (sections 0077 and 0153).

With respect to claim 46, Schlack teaches wherein, when sending the collected personal information, the receiving terminal device fetches contents address data collection information indicating whether to collect information perfectly or partially matching the contents address data from the personal information collection information, and according to the information in the address data collection, collects the information and sends the collected personal information (section 0153).

With respect to claim 47, Schlack teaches wherein when the collected personal information sent, user identification data indicating who accessed the contacts data indicated by a content address data added and sent together with the personal (section 0153).

With respect to claim 48, Schlack teaches wherein wherein a personal information provision information including a utility condition of a collected personal information specified by the user is sent (section 0133).

With respect to claim 49, Schlack teaches a personal information collection information creating part that creates personal information collection

information setting range of personal information collection (the STB (set-top box) receiving the viewer profile including multitude of viewer interaction, demographic, psychographic: section 0063, fig. 11 and fig. 13; and the range of time such as minutes, which indicates the amount of the time that elapsed since the session begin: section 0211, collecting session data in order to generate a session profile, which is limited to a viewing session and which is collected over a relatively short period of time: sections 0213, 0231 and 0235).

Schlack teaches generating a view profile storing at the STB, as well as the demographic, psychographic of the view to be performed within the television viewing environment. The profiling of viewers is based on their viewing preferences and other interactions. And the head end (item 210) delivers program content to the STB and may receive commands and viewer profiles from the STB. Schlack does not clearly a personal information collection information sending part that sends the personal information collection information.

However, Dureau teaches the set-top box (STB) includes a modem, which is return path by which view data can be transmitted to the broadcast station (section 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Schlack with the teachings of Dureau, wherein the program information to be transmitted to the STB in the system provided therein (Schlack's fig. 2A and section 0126, item 220), would incorporate the use of transmitting the information to the STB, in the same conventional manner as

described by Dureau (section 0026). The motivation being to provide a means to collect the viewer's profile and to set the range for the viewer to watch a content of a program of a broadcast station or central system.

With respect to claim 50, Schlack teaches wherein the personal information collection information sending part sends date or time data on which a receiving terminal sends information collected thereby as the personal information collection Information, information personal (collecting session data in order to generate a session profile, which is limited to a viewing session and which is collected over a relatively short period of time: sections 0213, 0231 and 0235).

With respect to claim 51, Schlack teaches With respect to claim 41, Schlack teaches (a) a receiving part that receives a personal information collection information setting range of personal information collection (the STB (set-top box) receiving the viewer profile including multitude of viewer interaction, demographic, psychographic: section 0063, fig. 11 and fig. 13; and the range of time such as minutes, which indicates the amount of the time that elapsed since the session begin: section 0211); and

(b) an information collecting part that collects the personal information at a terminal which is limited to the personal information specified by the user, based upon the personal information collection information received (collecting session data in order to generate a session profile, which is limited to a viewing session and which is collected over a relatively short period of time: sections 0213, 0231 and 0235).



Schlack teaches generating a view profile storing at the STB, as well as the demographic, psychographic of the view to be performed within the television viewing environment. The profiling of viewers is based on their viewing preferences and other interactions. And the head end (item 210) delivers program content to the STB and may receive commands and viewer profiles from the STB. Schlack does not clearly teach an information sending part that sends collected personal information to a central system.

However, Dureau teaches the set-top box (STB) includes a modem, which is return path by which view data can be transmitted to the broadcast station (section 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Schlack with the teachings of Dureau, wherein the program information to be transmitted to the STB in the system provided therein (Schlack's fig. 2A and section 0126, item 220), would incorporate the use of transmitting the information to the STB, in the same conventional manner as described by Dureau (section 0026). The motivation being to provide a means to collect the viewer's profile and to set the range for the viewer to watch a content of a program of a broadcast station or central system.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


**Contact Information**


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to (571) 273-4039. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center (703) 872-9306

ANH LY   
MAR. 15<sup>th</sup>, 2005

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER